BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

WILLIAM LAWRENCE,

File No. 928126

Claimant.

APPEAL

VS.

DECISION

A.Y. McDONALD MFG. CO.,

Employer,

Self-Insured, Defendant. Head Notes: 1402; 3303.20; 5-9998

Claimant William Lawrence appeals from a partial commutation decision filed on May 15, 2019. Defendant A.Y. McDonald Mfg. Co., self-insured employer, responds to the appeal. The case was heard on May 24, 2018, and it was considered fully submitted in front of the deputy workers' compensation commissioner on August 1, 2018.

In a review-reopening decision filed in this case on February 8, 2000, a deputy workers' compensation commissioner found claimant sustained permanent total disability as a result of a work-related injury which occurred on August 24, 1989. The February 8, 2000, review-reopening decision was affirmed on appeal by the workers' compensation commissioner, by the lowa District Court, and by the lowa Court of Appeals.

Claimant filed a petition for partial commutation in this matter on March 8, 2017. In the partial commutation decision filed on May 15, 2019, the deputy commissioner found claimant failed to carry his burden of proof to establish that the proposed partial commutation of his February 8, 2000, permanent total disability award for the work injuries of August 24, 1989, is in claimant's best interest.

Claimant asserts on appeal that the deputy commissioner erred in finding claimant failed to prove that the proposed partial commutation is in his best interest.

Defendant asserts on appeal that the partial commutation decision should be affirmed in its entirety.

Those portions of the proposed agency decision pertaining to issues not raised on appeal are adopted as a part of this appeal decision.

LAWRENCE V. A.Y. McDONALD MFG. CO. Page 2

I have performed a de novo review of the evidentiary record and the detailed arguments of the parties and I reach the same analysis, findings, and conclusions as those reached by the deputy commissioner.

Pursuant to Iowa Code sections 17A.5 and 86.24, I affirm and adopt as the final agency decision those portions of the proposed partial commutation decision filed on May 15, 2019, which relate to the issues properly raised on intra-agency appeal.

I find the deputy commissioner provided a well-reasoned analysis of all issues raised in the partial commutation proceeding. I affirm the deputy commissioner's findings of fact and conclusions of law pertaining to those issues. I affirm the deputy commissioner's finding that claimant failed to prove that the partial commutation is in his best interest.

I affirm the deputy commissioner's findings, conclusions and analysis regarding those issues.

ORDER

IT IS THEREFORE ORDERED that the partial commutation decision filed on May 15, 2019, is affirmed in its entirety.

Claimant's request for partial commutation is denied.

Pursuant to rule 876 IAC 4.33, the parties shall pay their own costs of the partial commutation proceeding, and claimant shall pay the costs of the appeal, including the cost of the hearing transcript.

Pursuant to rule 876 IAC 3.1(2), defendant shall file subsequent reports of injury as required by this agency.

Signed and filed on this 7th day of May, 2020.

Joseph S. Cortese II
WORKERS' COMPENSATION
COMMISSIONER

The parties have been served as follows:

Mark J. Sullivan

Via WCES

David Jenkins

Via WCES